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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Attention: Shirene Willis
Ellen M. Troyer, et al.) Office of Petitions
Serial No. 10/040,508) FAX #: 703-308-6916
Filed: December 28, 2001) Group Art Unit:
) File No. 573-1
)
For: TREATMENT OF DRY EYE SYNDROME) San Francisco, California
Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FAXED TO: SHIRENE
OF OFFICE OF PETITIONS OF THE UNITED STATES PATENTS AND TRADEMARKS,
AT 703-308-6916

ON July 10, 2002
THOMAS M. FREIBURGER
SIGNED [Signature]
DATE 7-10-02

FAX RECEIVED

JUL 10 2002

PETITIONS OFFICE

TRANSMITTAL OF RULE 47 PETITION GRANT

This is in response to a telephone message from Shirene
Willis of the Office of Petitions.

As requested, we are transmitting a copy of the PTO paper
granting a petition under Rule 47 in the parent application,
Serial No. 09/725,608, of this divisional application. This
granted petition should cover the divisional application as well
as the parent application.

If anything further is needed, please telephone the
undersigned at 415-781-0310.

Respectfully submitted,



Date: July 10, 2002

Thomas M. Freiburger
Reg. No. 27,063
650 California Street, 25th Floor
San Francisco, California 94108
Telephone: (415) 781-0310



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 11

Thomas M. Freiburger
25th Floor
650 California St.
San Francisco CA 94108

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MAY 24 2002

OFFICE OF PETITIONS

In re Application of
Troyer, Thornton, Whiting & Kaufman
Application No. 09/725,608
Filed: November 29, 2000
Attorney Docket No. 573P
For: TREATMENT OF DRY EYE SYNDROMEDECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed April 12, 2001.

The petition is granted.

Petitioners have shown that the non-signing inventor, Mr. Richard Kaufman, has refused to join in the filing of the above-identified application after having been offered the application papers. Specifically, the statement of facts of Mr. Thomas M. Freiburger, an attorney handling the prosecution of the above-identified application, establishes that the inventor stated that he was aware of the contents of the application and that he refused to sign the declaration in the absence of additional compensation. The Commissioner finds that under these circumstances, any attempts at sending the application papers would not have resulted in the inventor joining in the filing of the application. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 1600.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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2554 LINCOLN BLVD., APT. 250
MARINA DEL REY, CA 90292

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MAY 24 2002

OFFICE OF PETITIONS

In re Application of
Troyer, Thornton, Whiting & Kaufman
Application No. 09/725,608
Filed: November 29, 2000
Attorney Docket No. 573P
For: TREATMENT OF DRY EYE SYNDROME

LETTER

Dear Mr. Kaufman:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination PolicyATTORNEY OF RECORD: Thomas M. Freiburger
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San Francisco CA 94108